



TL1503-18

NATIONS UNIES • UNITED NATIONS



SERVICE DE L'INFORMATION - OFFICE DES NATIONS UNIES A GENÈVE
INFORMATION SERVICE - UNITED NATIONS OFFICE AT GENEVA

Press Release HR/2228
19 August 1988

HUMAN RIGHTS SUB-COMMISSION RECEIVES REPORT ON DISAPPEARANCE OF CHILDREN IN ARGENTINA

Concludes Debate on Violations of Human Rights and Fundamental Freedoms

The Sub-Commission on Prevention of Discrimination and Protection of Minorities on Friday afternoon, 19 August, began to consider the administration of justice and the human rights of detainees (agenda item 9). Topics to be examined include: the human rights of persons subjected to any form of detention and imprisonment; human rights and states of emergency; and individualization of prosecution and penalties, and repercussions of violations of human rights on families.

Theo van BOVEN, expert from the Netherlands, introduced his report on the prevention of the disappearance of children (E/CN.4/Sub.2/1988/19). His report focuses on the disappearance of children in Argentina, in particular, the cases of missing children in Argentina who were either located or most presumably staying in Paraguay with members of the forces of repression involved in disappearances.

Mr. van Boven pointed out that the wheels of justice in Paraguay were "moving very slowly" and that it had still not responded to the requests for the extradition of these children which were pending before the Paraguayan courts since April 1987. It was inadmissible, and a matter of serious international concern, if a country became a hiding place for kidnappers and illegally appropriated children. The Government of Paraguay should be urged to take immediate measures to return the children to their country of origin, he declared, considering that to be in the best interests both of the children concerned as well as of justice.

The representatives of the following non-governmental organizations addressed the Sub-Commission on the administration of justice and the human rights of detainees: International Movement for Fraternal Union among Races and Peoples, Friends' World Committee for Consultation (Quakers), the International League for the Rights and Liberation of Peoples, Liberation and Amnesty International.

(more)

Prior to taking up discussion of this new agenda item, the Sub-Commission concluded debate on the question of the violation of human rights and fundamental freedoms, hearing the views of Turkey, Portugal, Angola and Ethiopia.

Exercising the equivalent of the right of reply on this item were the observers for Iraq, Sri Lanka, Israel, Romania, Guatemala, China, Indonesia, Iran, the Philippines, Lebanon and Portugal.

Views of Delegations on Human Rights Violations

Oguz DEMIRALP (Turkey) stated that item 6 of the agenda was very important for the performance of the monitoring mission of the Sub-Commission in Human Rights. There was no doubt that any information or case which might be useful to the cause of human rights should be brought to the attention of this body and no obstacle should be put to the free exercise of this right. This body should focus its attention wherever there existed a violation in human rights and express concern or level criticism where fully justified. This could not and should not be construed as an interference in internal affairs. But to accomplish this mission fairness, justice and now selectivity revealed themselves as sine qua non conditions. Some subjects which, although basically technical, also contained important aspects which were closely related to the subject of human rights. One example might be the illegal traffic in toxic and dangerous products and wastes. Strong reactions voiced here on the important human rights aspect of the subject would be an appreciable contribution to the cause of human rights and might have a discouraging effect on this practice.

Antonio COSTA LOBO (Portugal) confined himself to the case of East Timor because of the links existing between Portugal and the territory in question. As was stated a few days ago before the Special Committee on decolonization, Portugal did not claim rights, it claimed the rights of East Timor and its people. Six years had elapsed since the Sub-Commission had for the first time dealt with East Timor and the problem still had not been resolved. But today, it was undeniable that there existed greater awareness in the international community of the gravity of the problem, as well as a stronger feeling of solidarity with the people of East Timor and a stronger determination to act on behalf of protecting the basic rights of this people. He believed that the evolution was due in large part to the persistent, lucid and courageous action of the Sub-Commission. The gravity of the allegations of human rights violations there called for their serious and in-depth investigation. Unfortunately, Indonesia continued to impede entrance to the territory to NGO and media representatives. He reiterated the determination of his Government to help the Secretary-General in his search for a just solution to the problem of East Timor.

A.J. CORREIA (Angola) stressed the importance that his Government attached to respect for human rights and fundamental freedoms. He expressed active solidarity with the people of the occupied Arab territories, South Africa and Namibia and then focused on the problem of East Timor. What was happening there could be described simply and unequivocally as colonialism. The people of East Timor had to exercise their right to self-determination in accordance with General Assembly resolution 1514. He hoped that the good offices of the

(more)

Secretary-General would have a fruitful outcome in this regard. The colonizing Power - Portugal - had the right and the duty to continue their efforts, as the process of decolonization and self-determination had not yet taken place in East Timor.

Kengit SINEGIORGIS (Ethiopia) stated that when presenting their views here, many NGOs were abusing their status by not taking care to ensure that their allegations of human rights violations in various States were accurate. It was highly regrettable that not all NGOs conducted themselves in conformity with their obligations. During this session activities of certain NGOs were grinding away as usual. Her delegation categorically rejected the wild allegations of several NGOs against her country. Certain NGOs which engaged in politically-motivated acts here against States, including her own, should not be allowed to do so.

Rights of Reply

Basil YOUSIF (Iraq) declared that without doubt war would yield negative consequences in human rights, no matter how keen a country's desire to protect human rights. Despite a war which had lasted eight years, Iraq had always sought to promote the human rights of its people. Another important principle to preserve here was to prevent politicization of the Sub-Commission's work, as one NGO, in particular, had sought to do in the discussion of the situation prevailing in his country. As for the allegations of the use of chemical weapons by Iraq, he stated that the alleged incident took place during a military engagement in a town then occupied by Iran. One should thus address this allegation to Iran, which used a broad range of weapons.

Sunil DE SILVA (Sri Lanka), referring to the statements by the Human Rights Advocates and the Disabled Peoples' International, stated that his delegation was equally, if not more concerned over the attacks on two human rights activists, especially since they were citizens. The Human Rights Advocates, however, chose not to say who had allegedly attacked them. They knew who was alleged to have committed the act, but chose not to identify the LTTE as the alleged violators. They said that the Indo-Sri Lanka Accord had not been fulfilled. However, the Sri Lanka Government had fulfilled its part; it was the LTTE which had remained intransigent and resorted to murder and other such violent acts.

Rafael WALDEN (Israel), referring to some things said here by Mrs. Palley, stated that a concern for human rights which alleged that Israel showed no genuine wish for peace, and did not trouble to produce the slightest evidence of a wish to negotiate on the other side, such a concern manifested the very double standards which it claimed to deplore. A concern for human rights which perceived breaches committed by one side of a conflict, and was blind to human rights violations on the other side, was not a concern for human rights, but political partisanship. He said that Israel wanted a solution to the problem. Israel could not solve the problem by itself, when the other side showed no interest in anything but unconditional surrender to its demands.

(more)

Ghepzighe CHIRILA (Romania) stated that certain confusing and abusive allegations had been advanced by some NGOs. They artificially contrasted the activities of economic and social development of a country and the enjoyment of human rights. The plans under way for the villages were intended to develop them in relation to the towns. Special attention was given to the preservation of all the cultural values of the country. He considered that the points made two week ago in the Committee on the Elimination of Racial Discrimination might be of interest to the members of the Sub-Commission.

José Luis CHEA URRVELA (Guatemala) noted that the last report of the Sub-Commission's expert, Mr. Gros-Espiel, recognized that the situation of the indigenous population of Guatemala continued to be a major problem. Guatemala was aware of the seriousness, professionalism and impartiality of the majority of the NGOs participating in the work of the Sub-Commission. However, it was unreasonable for them to expect democracy to emerge overnight following three decades of violence and repression. As for concrete accusations put forward by one NGO, unfortunately the information lacked objectivity. The policy of his Government was not aimed at violating human rights; on the contrary, it strove to protect and guarantee them.

WU Shanxiu (China) recalled that yesterday morning, Pax Christi International had referred to Tibet. Unfortunately, his account did not convey what had really occurred there. The incidents which took place there were not peaceful demonstrations, which were allowed in China. They were, instead, violent riots. It had proved necessary for the authorities to stop these delinquent acts in order to restore public law and order.

Wisber LOEIS (Indonesia) said it was indeed regrettable that this body was again abused by some speakers, in particular by the observer of Portugal, concerning the situation in East Timor and Irian Jaya. These territories had enjoyed their right to self-determination in keeping with resolution 1514. Furthermore, they continued to allege that human rights violations occurred, despite the eye-witness testimony of a number of highly-respected independent observers. East Timor had seen more development and social progress since the 12 years of its integration with Indonesia than it had during 450 years as a Portuguese colony.

Morteza KHARANIAN (Iran) stated that he did not intend to waste the precious time of the Sub-Commission, as the neighbour to his right had done by distorting reality. His allegations, which could be clarified by the international community, did not deserve a reply.

Hector VILLARROEL (Philippines) stated that, after investigating recently the deaths of human rights advocates, it was found that two of them had been killed for reasons unconnected to their human rights activities. Furthermore, a military officer accused of violating human rights was being tried. His Government was doing everything it could to protect human rights by establishing and strengthening the necessary infrastructure.

Hicham HAMDANG (Lebanon) said he was very much provoked by the statement by Israel. He was not at all surprised at that speaker's tone of voice nor by his manifestation of hatred. It seemed that this delegate wished to distract the Sub-Commission's attention from the daily atrocities committed by Israel in the occupied territories. Everyone felt bad when a person, whether Arab or Jew, was a victim of aggression or a terrorist act. But, above all, it was necessary to distinguish between who was the victim and who the aggressor.

(more)

Antonio COSTA LOBO (Portugal), replying to the statement by Indonesia, said that the United Nations had never recognized as a valid act of self-determination the integration of East Timor into Indonesia. The statement to the contrary by the observer for Indonesia was not true and showed a lack of respect for the organization.

Mr. LOEIS (Indonesia) stated that his first right of reply was sufficient to answer all the allegations made by the delegation of Portugal.

Statements on Human Rights and Administration of Justice

Theo van BOVEN, expert from the Netherlands, introduced his report concerned with the disappearance of children in Argentina during the military dictatorship who had subsequently been located in Paraguay. Many of the disappeared children had been born in atrocious conditions to mothers being held in clandestine detention centres. The disappearances of very young children of "subversive elements" were part of the scheme to eliminate systematically many members of the opposition and their families. The appropriation of these children was carried out by some sectors of the extermination machinery set up by the military dictatorship, he noted. Mr. Van Boven pointed out that the wheels of justice in Paraguay were "moving very slowly". Paraguay still had not responded to the requests for the extradition of these children, which was pending since April 1987. This delay was a matter of great concern, for the longer it lasted the more problematic the effects would be on the children concerned.

As for what would be in the best interests of the child, he said he had firmly concluded that nearly without exception their return to their original families was in the interests of the children and of justice. It was inadmissible and a matter of serious international concern if a country became a hiding place for kidnappers and illegally appropriated children. The Government of Paraguay should be urged to take immediate measures to return the children to their country of origin, he declared.

Maria CHOROBK DE MARIANI, observer for International Movement for Fraternal Union Among Races and Peoples, focused on two points: the kidnapped Argentine children being held in Paraguay and the rapid judicial action and governmental decisions by Argentina in order to locate and restore the hundreds of children who remained among the disappeared despite five years of constitutional government. She expressed concern at the continuing delay in resolving the problem of the children who were kidnapped under the military dictatorship to Paraguay. As for the "legal" adoption of the children of the disappeared, reviewing these adoptions - whether they were in good or bad faith - and to restore them to their genuine families was a vital necessity. She stressed that these children had not been abandoned by their parents, in fact they were orphaned when the military authorities eliminated their parents.

Aku GORDON, observer for Friends World Committee for Consultation, addressed the question of the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights. Quakers had a long-standing concern for the abolition of the death penalty. They sought the abolition of capital punishment because it violated the sacredness of human life and belief in the human capacity for change. Further, Quakers considered that the death penalty was a violation of the fundamental right to life and that it was a cruel and inhuman punishment, brutalizing to all

(more)

involved. She reiterated the Committee's position that no derogation concerning the death penalty should be permitted and hoped that all States would move to the abolitionist position when they were persuaded that the death penalty was an unnecessary punishment within their legal code.

Oretta BANDETTINI DI PEGGIO, observer for International League for the Rights and Liberation of Peoples, expressed deep concern over the situation still prevailing in South Korea in this field. The two opposed tendencies that had surfaced after the Second World War - the aspiration of the South Korean people to national union and the regime's opposition to this desire - had led to a sadly repressive situation the maintenance of which had necessitated the approval and enforcement of various anti-democratic laws. There were more than 500 prisons housing almost 50,000 prisoners, among whom there were more than 3,600 political detainees, including detainees under preventive custody. She welcomed the recent proposal for dialogue made by General Roh Tae-U and hoped that it would not prove just a mere political gesture to exploit the Olympic Games.

Carmel BUDIARDJA, observer for Liberation, declared that there were in Indonesia today 1.4 million people who were victims of systematic discrimination by the security forces, and central and regional government. Also victimized were the children and close relatives of these 1.4 million people. Millions of Indonesians were denied their civil rights, the right to a job, to freedom of movement and of association, the right to take part in elections and in public life. The victims were required to attend compulsory indoctrination sessions and were subjected to pressure and extortion by officials. These core victims of discrimination were officially identified as "former political prisoners" or "former members of banned organizations" She called on the Sub-Commission to bring the strongest pressure to bear on Indonesia to end this pernicious system of discrimination and restore full civil rights to millions of Indonesians.

Ingrid KIRCHER, observer for Amnesty International, welcomed the attention being given by the Sub-Commission to administrative detention. Some of the more persistent human rights abuses documented by Amnesty International occurred within the context of administrative detention, including the imprisonment of people for the non-violent exercise of their basic human rights and the use of torture. In many countries the executive authorities had the power to detain people without judicial authority and without the safeguards for the ordinary criminal law. She urged all Governments which held detainees without charge or trial to review carefully the appropriateness and necessity of maintaining the practice of administrative detention. She was encouraged by the steady progress being made towards worldwide abolition of the death penalty and hoped that the Sub-Commission at this session would forward to the Commission on Human Rights the text of an optional protocol to the International Covenant aiming at the abolition of the death penalty.